

Request for Waiver
CC Docket No. 02-6

Dear Sir or Madam:

This letter is request for waiver of the Form 470 deadline stated in the Funding Commitment Decision Letter dated June 9, 2003 of the USAC and the Administrator's Decision on Appeal dated December 8, 2003. These correspondences were addressed to: Creighton Community School, Brad Best, 1609 Redick Avenue, Creighton, NE 68729.

This letter references:

471 Application Number: 356062
Funding year: 07/01/2003 – 06/30/2004
Billed Entity Number: 79011
Applicant Form Identifier: 471-0304

The individual that can best discuss this appeal with you is: Brad Best, Creighton High School, P.O. Box 10, Creighton, NE 68729. His phone number is (402) 358-3663, fax number is (402) 358-3804 and email address is bbest@esu1.org.

All funding requests referred to in this Funding Commitment Decision Letter were "denied" due to the explanation: "The FRN references a Form 470 which has not been certified" and that through our appeal, that we did not provide evidence that our signature page required for certification was received prior to the February 6, 2003 deadline.

My understanding, after speaking with Mr. Peter Howdeshell, II of the Program Integrity Assurance Department of the School and Libraries Division, is that our Form 470 #929760000427176 was not certified due to a missing signature page. The missing signature page was mailed via regular mail with the U.S. Postal Service on 11/07/2002 and it would seem most plausible that it was misplaced within the SLD or the postal service. I personally have completed these forms each year of the program and as you can tell from our past track record, all forms have been completed accurately and prior to any deadlines.

Upon appeal of this decision, documentation was enclosed supporting the fact that the signature page was mailed two months in advance of the deadline. The basis of our appeal was simply that all of the necessary forms were completed and/or mailed well ahead of the deadlines. Form 470 was filed online and printed for my records on 11/07/02. The application was filed and the signature page printed, signed and mailed this same day, well before the deadline. The signature page was sent via regular mail to: SLD-Form 470, P.O. Box 7026, Lawrence, KS 66044-7026.

A copy of the signature page in question was enclosed with the appeal and clearly shows the date that it was printed and the date that I signed the page. I provided a signed affidavit from my secretary stating that she recalls specifically mailing this signature page

on 11/7/2003, as we discussed whether or not to mail it via regular or certified mail. I give you my word that this page was mailed immediately, as it is every year. This is the first year that I did not return this page via certified mail and I am regretting this change in our procedure. Since the filing of Form 470, I have applied for and received an electronic certification PIN number and used this electronic certification when filing the Form 471 online on 1/28/03.

All of our forms were completed, dated, copied and mailed prior to all deadlines. I am most hopeful that you will understand that the only missing component, the Form 470 signature page, was mailed on November 7, 2002, the same day that it was printed and signed. I take this application seriously and would not have completed all of the other forms without mailing this single sheet.

Our application is for basic telecommunications services. One of the reasons for denial of our appeal is that it was not possible to solicit bids on this funding request. For all practical purposes, this argument is irrelevant, as we have never received any solicitations or bids for service beyond our current provider throughout the history of this program.

The reason for the USAC denial of funding is simply that one signature page of a multiple page document, which was filed two months prior to the deadline, was not received in their office prior to the deadline. Our only error is that this document was mailed via regular postal mail, not certified, and that we do not have certification of the mailing. If one applies even a minute amount of common sense to our situation, one would understand that we have followed all procedures according to USAC/SLD guidelines and a misplacement of our signature page by another authority is the only plausible explanation.

The Creighton Community Schools is a high poverty district and the denial for funding based upon this misplaced document has created a financial hardship in our small district. The amount of funding requested is a small amount in the USAC/SLD program, but an important element in the educational funding for our small district.

I appreciate your consideration of our request for waiver of the signature page deadline and the issuance of funding relative to this request. I would be most willing to answer any additional questions that you may have for us.

Sincerely,

Brad Best